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Claims 1 and 10 were also amended to specify that the emulsion contains a non-ionic surfactant or surfactants as set forth in paragraph [0017].

Claims 1, 6 and 9 were amended to reintroduce the size range for the hydrocarbon particles.

Claim 9 also was amended to be consistent with claim 1.

The Examiner rejected claims 1 and 6 under 35 USC 112. Applicants deem the foregoing amendments obviate that rejection.

The Examiner rejected claims 1, 5 - 10 and 12 under 35 USC 103 as unpatentable over WO 9913031 in view of WO 9907465. Applicants respectfully request the Examiner to reconsider and withdraw that rejection.

WO '031 teaches that less surfactant is required to form a hydrocarbon in water emulsion from a mixture of an FT and conventional fuel than from either fuel alone. WO '031 fails, however, to disclose or suggest that if a hydrocarbon in water emulsion is formed under conditions to provide substantially uniform particles below about 1 micron in size, combusting such an emulsion will result in reduced particulate emissions.

WO '465 is cited in an attempt to overcome the significant deficiency of the primary reference. And, it fails to do so.

WO '465 is directed to water in hydrocarbon emulsions (cf. page 1, lines 3 and 4) and not hydrocarbon in water emulsions. Thus the combination of WO '465 with WO '031 is inappropriate.

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Additionally, the emulsifying agent in WO '465 is not a non-ionic surfactant but rather is a mixture of two block copolymers.

Most importantly, WO '465, like WO '031, fails to remotely disclose or suggest that combusting a hydrocarbon in water emulsion comprising an FT fuel that has substantially uniform hydrocarbon particles below about 1 micron in size results in reduced particulate emissions compared with Swedish Class I Diesel Fuel. Thus, the combined references fail to render the instant claims obvious.

In view of the foregoing comments and amendments, applicants respectfully request the Examiner to reconsider and withdraw her rejection and pass the case to issue.

Respectfully submitted,


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Pursuant to 37 CFR 1.34(a)

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JJD:sbf
March 23, 2006